

Common Criminal Justice Terms (Reporting to Pre-Trial)
Abridged version of Texas Bar Association

ARRAIGNMENT

In a criminal case an arraignment takes place for the purpose of correcting a defendant's name in the information or indictment, if such be necessary, and hearing the defendant's plea. A defendant may waive arraignment.

ARREST

A person has been arrested when he/she has been actually placed under restraint or taken into custody by an officer or person executing a warrant of arrest, or by an officer or person arresting without a warrant.

ARREST WARRANT

A written order from a magistrate, directed to a peace officer or some other person specifically named, commanding him/her to take the body of the person accused of an offense, to be dealt with according to law.

BAIL

The primary purpose of bail is to secure the defendant's presence for trial. In setting the amount of bail, the judge considers the nature of the offense and the circumstances under which it was committed, the future safety of the victim or his/her family and the community, and the defendant's ability to make bail. Bail includes a personal bond, a cash bond, or a surety bond. A person not released on bail remains in jail.

BAIL BOND (SURETY BOND)

A written undertaking entered into by a defendant and his/her sureties for the appearance of the defendant before the proper court to answer the accusation.

BOOK (BOOKED; BOOKED-IN)

Refers to the process when a person is arrested and taken to jail and a record is made of the charges including photographs and fingerprints of the person arrested.

CASH BOND

A written undertaking entered into by a defendant guaranteeing the defendant's appearance before the proper court to answer the accusation and secured by the deposit of a cash fund with the court.

FELONY

An offense so designated by law or punishable by death or confinement in a penitentiary. A person convicted of a felony offense is: (1) disqualified to serve as a petit juror; (2) ineligible for public office in this state unless pardoned or otherwise released from the resulting disabilities; and (3) not allowed to vote unless properly discharged from parole or community supervision and at least two years have elapsed from the date of discharge.

GRAND JURY

Composed of 12 persons, the grand jury inquires into all offenses occurring in the county liable to indictment of which any member may have knowledge, or of which they shall be informed by the prosecutor or any other credible person. The grand jury is organized by the district judge and prospective grand jurors are summoned in the same manner as jury panels for the trial of civil cases in district courts, or after being selected by grand jury commissioners

organized under chapter 19 of the Code of Criminal Procedure.

INDICTMENT

The written statement of a grand jury accusing a named person of an offense.

INFORMATION

A written statement filed and presented on behalf of the state by the prosecutor, charging the defendant with an offense which may by law be so prosecuted.

MAGISTRATE

Includes: justices of the Texas Supreme Court, judges of the Court of Criminal Appeals, justices of the courts of appeals, district court and criminal district court judges, county judges, county court at law judges, justices of the peace, and municipal court judges of incorporated cities.

PERSONAL BOND (PR Bond)

A written undertaking entered into by a defendant promising to appear before the proper court to answer the accusation, without any security.

PRE-TRIAL HEARING

A hearing held at the judge's discretion to dispose of legal issues prior to trial to avoid delays after jurors and witnesses have been summoned.

PROBABLE CAUSE

Probable cause to arrest or search exists where the facts and circumstances within the knowledge of the person making the arrest or search, and of which he/she has reasonably trustworthy information, are sufficient in themselves to warrant a person of reasonable caution in the belief that a particular person has committed or is committing an offense, or the instrumentality of a crime or evidence will be found.

PROTECTIVE ORDER OR MAGISTRATE'S ORDER

Issued by an appropriate court or magistrate for the protection of a victim or victims of family Violence/sexual assault, the order may, among other things, prohibit certain communication or contact with the victim(s) by the person arrested for or found to have committed family violence/sexual assault. The local prosecuting attorney may assist the victim(s) in obtaining the order.

PSEUDONYM

A set of initials or fictitious name chosen by a victim to designate the victim in all public files and records concerning the offense (see chapter 57, Code of Criminal Procedure), including police summary reports, press releases, and records of judicial proceedings.

SEARCH WARRANT

A written order by a magistrate directed to a peace officer commanding him/her to search for certain property or thing and to seize it and bring it before the magistrate, or commanding him/her to search for and photograph a child and to deliver to the magistrate any of the film exposed pursuant to the order. A search warrant may not be issued unless sufficient facts are first presented to satisfy the issuing magistrate that probable cause exists for its issuance. A sworn affidavit setting forth substantial facts establishing probable cause must be filed in every instance in which a search warrant is requested. If the affidavit establishes probable cause that a person has committed an offense, the search warrant may also order his/her arrest. A search warrant must be executed within three days of its issuance.